



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: March 8, 2023

BILL NUMBER: Senate Bill 583 **POSITION:** Oppose

BILL TITLE: Public Safety – Law Enforcement Agencies – Acquisition and Use of Surveillance Technology

REVIEW AND ANALYSIS

This legislation seeks to prohibit the acquisition and use of surveillance technology by a law enforcement agency unless the acquisition and use is approved by the Privacy Technology Board. The law enforcement agency may not use existing or new surveillance technology unless authorized by the Board.

The Board has a great deal of control over law enforcement agency budgets and grant funding used by law enforcement agencies. The Board's decisions directly impact standard police operations and criminal investigations. The bill may delay or stop an investigation if any technology has not received approval by the Board. The approval process requires the law enforcement agency to submit a comprehensive Surveillance Impact Report on the specific technology and why it is to be used. The Board's evaluation process requires public hearings on the use of the technology. This could stop ongoing criminal investigations for months because the Board is only required to meet quarterly.

Under current law, surveillance technology is used for a number of lawful purposes. Depending on the technology and its intended use, court oversight is required. Operating budgets and grants help law enforcement agencies to keep up with the latest technologies to create efficiencies and help advance 20th century policing.

Today, security cameras, software, and other technologies are used to protect persons and property. Recently, the General Assembly passed legislation mandating body-worn camera purchases by all law enforcement agencies in the state. The intelligence community uses software to analyze crime trends and provide information to law enforcement so they can be aware of recent activity in their communities. Cameras are used for protection of persons and property, on the streets of Baltimore City, and in police cars to record the actions of everyone in view of the system. All of these existing technologies and their budgets are now under the authority of the Board.

Senate Bill 583 defines surveillance technology so broadly that any software or electronic device primarily intended to collect, retain, analyze, process, or share information is required to be approved by the Privacy Technology Board. Until the Board is appointed and meets in accordance with the bill, no technology may be used. Any ongoing investigation using wiretaps or other types of surveillance technology as defined in the bill, even if approved by the court, will have to cease.

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As an example of what the bill does, recently mandated body-worn cameras purchased by law enforcement would have to be turned off until approved and the bill further prohibits the use of budget funds for continuing agreements with nongovernmental entities. All body-worn companies have multi-year contracts for storage of data as well as camera replacement and repair.

Senate Bill 583 requires an annual report on the operation of each surveillance technology used by the law enforcement agency. The report requires revealing investigation sources and methods to the public.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 583 an unfavorable report.